

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JONATHAN CORNISH,	:	CIVIL NO. 1:22-CV-451
	:	
Petitioner	:	(Judge Conner)
v.	:	
	:	(Magistrate Judge Carlson)
ERIC ARMAL,	:	
	:	
Respondent	:	

MEMORANDUM ORDER

This case is a habeas corpus petition filed by a state prisoner pursuant to 28 U.S.C. § 2254. (Doc. 1.) In connection with this petition the petitioner also filed a motion seeking to amend the state court record to include a reference to some information Cornish alleges that he read into the record in these state court proceedings. (Doc. 23). The United States Supreme Court cautions against the expansion of the evidentiary record in habeas petitions brought by state prisoners pursuant to 28 U.S.C. §2254, stating that:

[R]eview under § 2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits. Section 2254(d)(1) refers, in the past tense, to a state-court adjudication that “resulted in” a decision that was contrary to, or “involved” an unreasonable application of, established law. This backward-looking language requires an examination of the state-court decision at the time it was made. It follows that the record under review is limited to the record in existence at that same time *i.e.*, the record before the state court.

Cullen v. Pinholster, 563 U.S. 170, 181–82, 131 S. Ct. 1388, 1398, 179 L. Ed. 2d 557 (2011).

Given this cautionary guidance, we will DENY this motion to alter or expand the state court record, (Doc. 23) but will take Cornish's concerns into account in our merits evaluation of this case.

So ordered this 12th day of February 2024.

/s/ Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge